

Calendar No. 22

104TH CONGRESS
1ST SESSION

S. 376

A BILL

To resolve the current labor dispute involving
Major League Baseball, and for other purposes.

FEBRUARY 22, 1995

Read the second time and placed on the calendar

Calendar No. 22

104TH CONGRESS
1ST SESSION

S. 376

To resolve the current labor dispute involving Major League Baseball, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, JANUARY 30), 1995

Mr. KENNEDY (for himself and Ms. MIKULSKI) introduced the following bill;
which was read the first time

FEBRUARY 22, 1995

Read the second time and placed on the calendar

A BILL

To resolve the current labor dispute involving Major League
Baseball, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Major League Baseball
5 Restoration Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) Major League Baseball is a multibillion dol-
2 lar activity that affects both interstate and foreign
3 commerce;

4 (2) the Major League Baseball labor-manage-
5 ment dispute caused the premature termination of
6 the 1994 baseball season, the cancellation of the
7 1994 League Championship Series and the 1994
8 World Series, and threatens the 1995 spring train-
9 ing and baseball season;

10 (3) the dispute has caused serious economic
11 damage to the cities and communities in which
12 major league franchises are located and threatens to
13 economically damage the communities that host
14 spring training;

15 (4) many American workers who are not parties
16 to the negotiation depend on Major League Baseball
17 for an essential part of their livelihood;

18 (5) after a year of contentious negotiations, the
19 parties to the dispute appear to be incapable of
20 reaching a settlement on their own, even with the
21 assistance of skilled mediation;

22 (6) because of its unique history and tradition,
23 Major League Baseball occupies a special place in
24 the lives of Americans, and particularly its youth;
25 and

1 (7) apart from its economic significance, the
2 impact of Major League Baseball on American life
3 makes it especially important that it be played by
4 the best possible players.

5 **SEC. 3. PURPOSE.**

6 It is the purpose of this Act to provide for a fair and
7 equitable settlement of the Major League Baseball dis-
8 pute, to prevent the continued economic loss to individuals
9 not involved in the negotiations whose livelihoods depend
10 on baseball being played, to prevent burgeoning losses to
11 the communities that host Major League Baseball, and to
12 preserve the majesty of the game.

13 **SEC. 4. ESTABLISHMENT OF NATIONAL BASEBALL DIS-**
14 **PUTE RESOLUTION PANEL.**

15 (a) IN GENERAL.—There is established a National
16 Baseball Dispute Resolution Panel to resolve the current
17 dispute between the American League of Professional
18 Baseball Clubs, the National League of Professional Base-
19 ball Clubs, and the Major League Baseball Players Asso-
20 ciation. The Panel shall be composed of three members
21 appointed by the President. The President shall select
22 members from among impartial persons with expertise as
23 neutrals in the resolution of labor-management disputes.
24 He shall appoint one member of the Panel to serve as
25 Chair.

1 (b) QUORUM.—Two members of the Panel shall con-
2 stitute a quorum, and the vote of at least two members
3 shall be required for the Panel to take any action.

4 (c) COMPENSATION.—Each member of the Panel
5 shall receive compensation at the daily equivalent of the
6 rate specified for level V of the Executive Schedule under
7 section 5316 of title 5 for each day the member is engaged
8 in the performance of duties for the Panel, including at-
9 tendance at meetings, hearings, and travel to conduct the
10 duties of the Panel.

11 (d) TRAVEL EXPENSES.—Each member of the Panel
12 shall receive travel expenses, including per diem in lieu
13 of subsistence, at rates authorized for employees of agen-
14 cies under subchapter I of chapter 57 of title 5, United
15 States Code, for each day the member is engaged in the
16 performance of duties of the Panel away from the home
17 or regular place of business of the member.

18 (e) EMPLOYMENT STATUS.—Members of the Panel
19 shall be deemed employees of the United States only on
20 those days during which they perform services for the
21 Panel.

22 (f) CONFLICT OF INTEREST.—No individual shall be
23 selected as a member of the Panel under subsection (a)
24 who is pecuniarily interested in—

25 (1) the ownership of Major League Baseball;

1 (2) any organization of employees or owners
2 that is involved in the current dispute; or

3 (3) any individual or entity that derives sub-
4 stantial revenues from Major League Baseball.

5 (g) AUTHORITY.—

6 (1) The Panel shall have the power to take tes-
7 timony under oath, to conduct hearings, and to issue
8 subpoenas requiring the attendance and testimony of
9 witnesses or the production of books and records.
10 The parties appearing before the Panel may be rep-
11 resented by counsel.

12 (2) In the case of contumacy or refusal by any
13 person to obey a subpoena issued pursuant to this
14 subsection, any district court of the United States or
15 the United States courts of any territory or posses-
16 sion, or the United States District Court for the
17 District of Columbia, within the jurisdiction of which
18 such person is found, resides, or transacts business,
19 upon application of the Panel shall have jurisdiction
20 to issue an order requiring such person to appear
21 before the Panel, produce evidence, or give testimony
22 related to the Panel's inquiries. Any failure to obey
23 such order of the court may be punished by the
24 court as a contempt thereof.

25 (h) DECISION.—

1 (1) The Panel shall, as expeditiously as pos-
2 sible, issue a decision, setting forth the terms of an
3 agreement which, in its discretion, it determines to
4 be appropriate to serve as the binding agreement be-
5 tween the parties to the current labor-management
6 dispute affecting Major League Baseball. In arriving
7 at its decision, the Panel may consider the following
8 factors:

9 (A) The unique status of Major League
10 Baseball.

11 (B) The history of collective bargaining
12 agreements between the parties.

13 (C) The changes in circumstances of the
14 parties.

15 (D) The economics of the industry, includ-
16 ing the owners' ability to pay.

17 (E) The best interests of baseball.

18 (F) The desirability of stability in the in-
19 dustry.

20 (G) The impact on communities that bene-
21 fit from Major League Baseball.

22 (H) Other factors that it deems appro-
23 priate, including those traditionally considered
24 by arbitration panels if applicable given the his-

1 tory of Major League Baseball and past collec-
2 tive bargaining between the parties.

3 (2) For the purposes of arriving at its decision,
4 the Panel shall hold such hearings and obtain such
5 information as it may deem appropriate.

6 (i) EFFECT OF DECISION.—The agreement pre-
7 scribed by the Panel under this section shall be final and
8 binding on the parties and shall have the same effect as
9 though arrived at by agreement of the parties under the
10 Labor Management Relations Act, 1947 as amended, 29
11 U.S.C. 141 et seq.

12 **SEC. 5. PRECLUSION OF JUDICIAL REVIEW.**

13 There shall be no judicial review of any decision of
14 the Panel under this Act.

15 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

16 (a) DETAIL OF FEDERAL EMPLOYEES.—On the re-
17 quest of the Chairperson of the Panel, the head of any
18 Federal agency may detail, or otherwise make available
19 without reimbursement, any of the personnel of the agency
20 to the Panel to assist it in carrying out its duties under
21 this Act. Any detail shall not interrupt or otherwise affect
22 the civil service status or privileges of the Federal em-
23 ployee.

24 (b) USE OF FACILITIES.—The Panel may, without
25 reimbursement, use the research, equipment, services, re-

1 sources, and facilities of any agency or instrumentality of
2 the United States, with the consent of such agency or in-
3 strumentality.

4 (c) ROLE OF THE FEDERAL MEDIATION AND CON-
5 CILIATION SERVICE.—The Federal Mediation and Concil-
6 iation Service shall provide without reimbursement such
7 administrative support, resources, and services as may be
8 necessary to carry out this Act. It is authorized and di-
9 rected to utilize its appropriated funds to pay the salary
10 and expenses of Panel members, as provided in this Act.

11 **SEC. 7. TERMINATION.**

12 The Panel shall terminate upon its rendering of a de-
13 cision under section 4(h).

○